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FORM PTO-1390 (REV 12-97)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	DATE: 29 AUGUST 2001
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 54834US007	U.S. APPLICATION NO: (if known, see 37 C.F.R. 16)
INTERNATIONAL APPLICATION NO. PCT/US00/04759		INTERNATIONAL FILING DATE 25 February 2000	PRIORITY DATE CLAIMED 10 March 1999
TITLE OF INVENTION DECORATIVE FILMS FOR GLASS-PANED WINDOW			
APPLICANT(S) FOR DO/EO/US Yoichiro Mizumoto			
<p>Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:</p> <p>1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39 (1).</p> <p>4. <input type="checkbox"/> A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.</p> <p><input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)).</p> <p><input type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau).</p> <p><input type="checkbox"/> has been transmitted by the International Bureau.</p> <p><input checked="" type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US)</p> <p>6. <input type="checkbox"/> A translation of the International Application into English (35 U.S.C. 371(c)(2)).</p> <p><input checked="" type="checkbox"/> Amendment to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))</p> <p><input type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau).</p> <p><input type="checkbox"/> have been transmitted by the International Bureau.</p> <p><input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</p> <p><input checked="" type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p><input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).</p> <p><input type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p>			
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DECORATIVE FILMS FOR GLASS-PANED WINDOWField of the Invention

5 The present invention relates to a decorative film for glass-paned window and, more particularly, to a decorative film for glass-paned window, which is particularly superior in privacy protection, light screening property and decorative effect. The decorative film of the present invention can exert the excellent effect when applying to transparent glass-paned windows of structures such as house and building, and transparent glass-paned windows of vehicles such as car and train.

10

Background

For the purpose of protecting privacy and screening light, it has widely been performed to coat a transparent glass-paned window with a special polarizing film through which the situation inside the room or vehicle can not be observed easily, heretofore. The polarizing film to be applied to the glass-paned window includes, for example, film obtained by coating a transparent substrate such as polyester film and polyolefin film with ink containing powders of a metal such as aluminum, titanium and nickel; metallic film obtained by laminating a metal such as aluminum, titanium and nickel on a substrate such as polyolefin film; and film obtained by coating a substrate with ink having high screening property. Regarding such a polarizing film, when the scene inside is observed from the outside through the glass-paned window to which the polarizing film is applied, the glass-paned window of a gray or similar halftone color can be seen, merely, but the situation inside can not be observed. This is because only a brightness of the outside of the glass-paned window is reflected by a polarizing function of the film. Inside of the glass-paned window, the outside scene can be seen similar to the case where the polarizing film is not used, and the view is not obstructed.

20 The polarizing film of the prior art is useful for protecting privacy and screening light, as described above. However, as explained previously, the color observed from the outside, when using prior polarizing film, is black or gray, or a similar halftone color. 25 Therefore, still some room for improvement in appearance is left.

30

Although its purpose is not directed to improve the appearance of the polarizing film itself, Japanese Unexamined Patent Publication (Kokai) No. 3-69397 discloses a decorative screen capable of performing different displays at both sides of a transparent door, a window and a partition in the room without obstructing see-through and light screening properties. As schematically shown in Fig. 1, this decorative screen has such a construction that a printing layer 24 having a lot of through-holes 25 is provided on a substrate 20 made of a transparent plastic or glass and the printing layer 24 has respectively a surface pattern layer 21 and a back surface pattern layer 23 via a screen ink layer 22 interposed between both pattern layers. This decorative screen can be produced by making a transfer sheet having the printing layer 24, forming a lot of through-holes 25, and transferring the transfer sheet on one surface of a substrate. For example, when this decorative sheet is applied to the glass-paned window, it is possible to see the opposite side through a lot of through-pores 25 formed on the printing layer 24 from any side, and to see a different pattern from each side. Therefore, it can be used for the purpose of advertising and decorating. However, in case of this decorative screen, it is necessary to make a transfer sheet as its precursor and, therefore, the production becomes complicated and an increase in cost is not avoided. Furthermore, the printed pattern is unattractive because it depends on a normal printed technique, and a fine pattern can not be printed.

Furthermore, Japanese Utility Model Registration No. 3041191 discloses a removable sheet-like advertising display capable of displaying advertising contents at the window portion of the side of transfer vehicles bodies such as car and train without obstructing the view. As shown in Fig. 2, since an advertising display 31 is applied to the portion including a portion of a window 35 of the side of a transfer vehicle body via an adhesive portion 34, the advertising display has through-holes 32 penetrating the sheet on the whole surface and, at the same time, an advertising display portion (a portion of the English letter is shown in the drawing) 33 is provided on the surface. The through-holes 32 are provided with enough size and distance so that the pattern of the advertising display portion 33 can be clearly confirmed from the outside of the vehicle body and, at the same time, the scene of the outside can be seen from the interior of the vehicle body to some extent. However, in case of this advertising display, since a main portion of the sheet is occupied by the through-holes, the amount of an adhesive to be applied to the adhesive

portion of the back surface becomes small and a sufficiently strong adhesive force can not be obtained. Furthermore, there is also a problem that, while the advertising display is applied to the glass-paned window, dust accumulates on the portion of the through-holes and the portion of the adhesive squeezed out by a pressing force at the time of applying the sheet, thereby to lower the adhesive force and durability. Although it is not disclosed in the specification, it is understood that the advertising display is produced by using the transfer method and perforating method in combination, similar to the decorative screen described previously with reference to Fig. 1. Accordingly, the production becomes complicated and there is a fear of causing such additional problems that an increase in cost is not avoided and a fine pattern can not be printed.

Summary of the Invention

An object of the present invention is to solve one or more of the above problems of a decorative film for glass-paned windows of the prior art.

An additional object of the present invention is to provide a decorative film for glass-paned windows that is superior in at least one of its privacy protection, light screening property and decorative effect.

Another object of the present invention is to provide a decorative film for glass-paned windows that can be easily produced, has a sufficient adhesive force to the glass-paned window, and/or affords an attractive fine decorative pattern.

In accordance with one aspect of the present invention, a decorative film is provided that comprises a transparent substrate and a colored layer, where the colored layer comprises ink containing an optical coherent pigment. The colored layer is provided on one surface of the substrate.

According to one preferred embodiment, the decorative film of the present invention comprises a transparent substrate as well as a colored layer and a clear layer, which are laminated, in order, on one surface of the transparent substrate. An adhesive layer is provided on the surface of the substrate opposite the colored layer. The adhesive layer can be colored, but does not have to be, and the surface of the adhesive is preferably protected with a release liner such as release paper.

The decorative film of the present invention may also be used in the form of a modification of the above construction, according to the use and other factors. The decorative film of the present invention may have the other additional layer, in addition to the substrate and colored layer which are essential to the construction, and adhesive layer and clear layer which are preferably used. The respective layers may usually be used in the form of a single-layer, but may also be used as a multi-layer of two or more layers, if desired.

In the practice of the present invention, the transparent substrate is not specifically limited as long as it has enough of a self-supporting property to support the colored layer, but is preferably a plastic film. Suitable plastic film includes, for example, polyester film, polyethylene film, polycarbonate film, vinyl chloride film, acrylic film, polyurethane film, polyolefin film and vinylidene fluoride film, but is not limited thereto. The thickness of these films can vary widely according to use of the decorative film of the present invention, but is usually from about 30 to 150 μm . Such a substrate is preferably transparent, but may also be semitransparent or slightly colored as far as it is desired and an adverse influence is not exerted on the effect of the present invention.

The colored layer provided on one surface of the transparent substrate is made of ink containing an optical coherent pigment capable of developing color by an interference action of light. The ink used herein is capable of printing by using a normal printing method such as screen printing method and gravure printing method. This printing may also be a single-color printing or a multi-color printing. The pigment capable of developing color by an interference action of light can afford a color developing effect peculiar to the pigment to ink, unlike ink with a normal solid color. Therefore, it is possible to remarkably improve the appearance and decorative effect of the decorative film obtained finally.

The ink constituting the colored layer is preferably polarizing pearl ink. The term "polarizing pearl ink" used in the specification of the present application refers to an ink containing an optical coherent pigment having an operation/working-effect of changing the color and light according to a viewing angle as a result of interference between reflected light and transmitted light. The ink preferably contains a scaly mica pigment such as titanium dioxide-coated mica flake, iron oxide-coated mica flake and bismuth trichloride,

and a scaly flake such as scaly glass. The size of these optical coherent pigments can vary within a wide range, but it is preferred that they usually have an average particle diameter ranging from about 5 to 130 μm .

The amount of the pigment in the polarizing pearl ink can widely vary according to the desired color developing effect, but is generally preferred to be in the range of from greater than 1% by weight to less than 40% by weight, more preferably, within a range from about 3 to about 30% by weight. Most preferably, the content of the pigment is within a range from about 5 to about 15% by weight.

The film thickness of the colored layer can vary widely, but is preferably within a range from about 2 to about 20 μm .

The clear layer to be provided on the outermost layer of the decorative film preferably has weathering resistance and heat resistance, in addition to the transparency per se as an essential property, from such a viewpoint that the clear layer is used as a protective film. Preferably, the clear layer can be formed by selecting a suitable resin from various resins satisfying the property. The clear layer preferably has good adhesion with the colored layer as a ground thereof. Suitable resin used for forming the clear layer includes, for example, polyester resin, polyethylene resin, polycarbonate resin, vinyl chloride resin, acrylic resin, polyurethane resin, polyolefin resin and vinylidene fluoride resin, but is not limited thereto. The film thickness of the clear layer can vary widely according to the desired effect, but is preferably within a range of from about 5 to about 100 μm , and more preferably from about 20 to about 75 μm . Furthermore, as the operation/working-effect of the addition of the clear layer, it can be expected to afford luster to the surface of the decorative film.

In the decorative film for glass-paned windows of the present invention, it is preferred to provide an adhesive layer on the lower surface of the substrate, which supports the film when applying to the glass-paned window, thereby to facilitate handling and application of the film. Suitable adhesive layer is an adhesive layer with a release liner. Such an adhesive layer is commercially available, easily. By using such an adhesive layer with a release liner in combination with the decorative film for glass-paned window of the present invention, the decorative film can be applied by the same operation as that in case of applying a general polarizing film and a scattering preventing film when the decorative

film is applied to a glass-paned window of home and store and a glass-paned window of a private car.

Brief Description of the Drawings

5 Fig. 1 is a cross-sectional view showing one example of a see-through decorative screen of the prior art.

Fig. 2 is a front view showing one example of an advertising display for transfer vehicle body.

10 Fig. 3 is a cross-sectional view showing one preferred embodiment of a decorative film for glass-paned windows according to the present invention.

Detailed Description

Referring to Fig. 3, a decorative film 10 is shown that comprises a colored layer 2 made of polarizing pearl ink, provided on one surface of a transparent film substrate 1. On 15 the colored layer 2, a clear layer 3 is provided for the purpose of protecting the colored layer 2 and affording luster. On the surface opposite the colored layer 2 of the film substrate 1, an adhesive layer 4 with a release liner (not shown) is provided. This decorative film is particularly designed for glass-paned window of cars. In case of applying on the glass-paned window, the decorative film can be applied to the outside of 20 the glass-paned window via the adhesive layer after removing the release liner.

The decorative film shown in the drawing was produced by the following procedure.

Example 1

25 To use as the substrate, a vinyl chloride film for glass (commercially available from Sumitomo 3M Co., Ltd. under the trade name of "WA581") was prepared. The size of the film was 18 cm in width x 120 cm in length x 80 μ m in thickness. On one surface of the vinyl chloride film, silk screen printing of a flower pattern was performed by using 30 three colors (green, red and yellow) polarizing pearl inks (containing respectively a scaly titanium dioxide-coated mica flake in the concentration of 5% by weight; an average particle diameter of the mica flake is from about 0 to 50 μ m; commercially available under

"Iridin Series from Merck & Co.). A thickness of the colored layer containing the flower pattern was about 2 to 20 μm . It was possible to print a fine portion of the flower pattern as the present inventors wish. After the completion of the printing operation, a polyester resin-based clear coating composition (commercially available under the trade name

5 "GA3" from Sumitomo 3M) was coated in the thickness of 5 to 30 μm and then dried for the purpose of protecting the colored layer and improving luster of the film surface. On the back surface of the vinyl chloride film, an acrylic adhesive commercially available under the lot number "1429F-2" from Soken Kagaku Co., Ltd. was laminated in the thickness of about 30 μm .

10 The decorative film made as described above was applied on the outside of a rear glass of a car by using a squeegee. The decorative film was observed from the outside of the car under sunlight. As a result, the flower pattern printed in the previous step could be clearly observed with excellent pearly luster. Then, the decorative film was observed from the inside of the car under the same sunlight. As a result, the flower pattern observed previously could not be recognized and the outside scene could be observed without any obstruction. The observer's view was not obstructed by the presence of the decorative film.

15 Furthermore, the above procedure was repeated except that an application tape (commercially available from Sumitomo 3M Co., Ltd. under the trade name of "SCPM3Y") was laminated on the clear layer in place of an acrylic adhesive layer laminated to the vinyl chloride film. The resulting film was applied on the inside of the rear glass of the car and the flower pattern was observed in the same manner as that described above. The same results were obtained.

20 **Example 2**

25 The same procedure as that described in Example 1 was repeated, except that the concentration of the pigment was changed to 1, 10, 15, 30, 40 and 50% by weight, respectively, in order to examine an influence of the amount of the pigment (scaly titanium dioxide-coated mica flake) contained in polarizing pearl ink in this example. As a result, when the concentration is 1% by weight, the color developing effect was poor. When the concentration is from 10 to 15% by weight, the same color developing effect as that of

Example 1 was obtained. When the concentration is 30% by weight, the color developing effect was good but the see-through property was slightly lowered. As the concentration increases to 40% by weight, 50% by weight and so on, the see-through property was drastically lowered.

5

As described above, when the decorative film of the present invention is applied to the place where there is a difference in brightness between the inside and outside, for example, transparent glass-paned windows of structures such as house and building, and transparent glass-paned windows of vehicles such as car and train, not only the inside situation can not be seen through which the decorative film, but also colored patterns such as letter, pattern and design can be seen in the state where the colored patterns appear with the dark glass-paned window as a background. On the other hand, when observing out of the window from the inside of the room or vehicle, not only the colored pattern of the glass-paned window can not be seen, but also outside scene can be seen without any obstruction. Accordingly, the decorative film of the present invention is useful for protecting privacy and screening light. In addition, it makes possible to use the glass-paned window, which has never been used positively, heretofore, for the purpose of performing advertising display and display. Particularly, ink containing an optical coherent pigment used in the present invention can provide the appearance with excellent design and decorative effects, unlike ink with a normal solid color. Not only the decorative film of the present invention is capable of printing a fine pattern by a simple technique, but also it is superior in adhesive force to the glass-paned window.

What is claimed is:

CLAIMS

1. A decorative film for a glass-paned window, said film comprising a transparent substrate and a colored layer comprising ink containing an optical coherent pigment, said colored layer having a thickness in the range of from 2 to 20 μm and being provided on one surface of said substrate.
2. The decorative film according to claim 1, wherein said ink is polarizing pearl ink.
3. The decorative film according to claim 2, wherein said polarizing pearl ink contains a pigment and said pigment is a scaly flake pigment.
4. The decorative film according to claim 3, wherein said flake has an average particle diameter in the range of from 5 to 130 μm .
5. The decorative film according to claim 4, wherein the content of said pigment in said polarizing pearl ink is in the range of from greater than 1% by weight to less than 40% by weight.
6. The decorative film according to claim 2, wherein said polarizing pearl ink contains a pigment and said pigment is at least one of a scaly titanium dioxide-coated mica flake and iron oxide-coated mica flake.
7. The decorative film according to claim 2, wherein said polarizing pearl ink contains pigment from the group consisting of a titanium dioxide-coated mica flake, iron oxide-coated mica flake and bismuth trichloride, a scaly glass flake and combinations thereof.
8. The decorative film according to claim 1, further comprising a clear layer and an adhesive layer, wherein said colored layer and said clear layer are laminated, in order, on said one surface of said transparent substrate, and said adhesive layer is provided on another surface of said transparent substrate opposite said colored layer.

9. The decorative film according to claim 1, further comprising a clear layer and an adhesive layer, wherein said colored layer, said clear layer and said adhesive layer are laminated, in order, on said one surface of said transparent substrate.

10. The decorative film according to claim 1 in combination with a window pane, said decorative film being bonded to a surface of said window pane.

11. The combination according to claim 10, wherein said window pane is an automobile window pane.

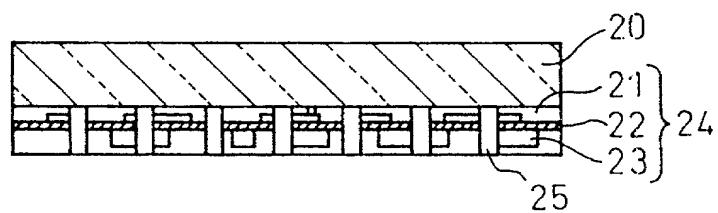
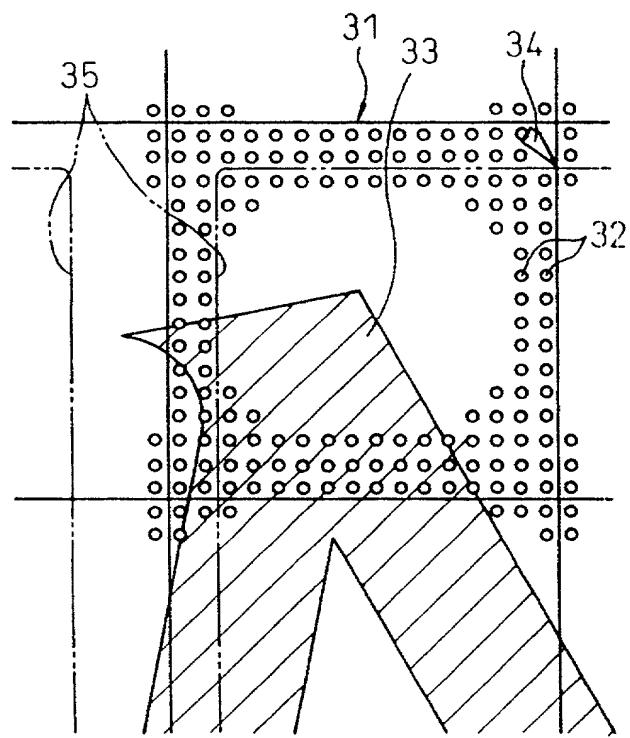
12. A method of decorating a window pane comprising:
providing the decorative film according to claim 1; and
applying the decorative film to a surface of the window pane.

13. The method according to claim 12, wherein the surface is the surface of a glass window pane.

14. The method according to claim 12, wherein the surface is the surface of an automobile window pane.

15. The method according to claim 12, wherein the decorative film being provided further comprises an adhesive layer on another surface of the transparent substrate opposite the colored layer, and said step of applying the decorative film includes bonding the decorative film to the surface of the window pane using the adhesive layer.

1/2

**Fig. 1****Fig. 2**

2/2

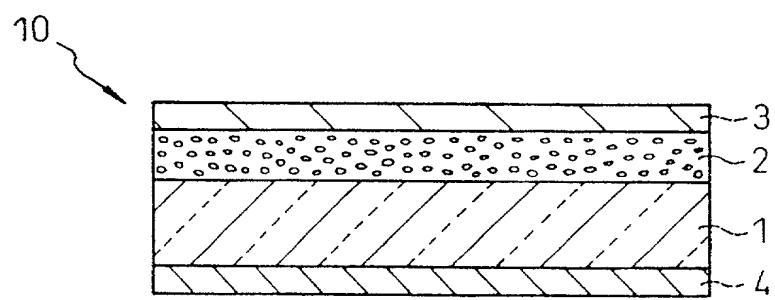


Fig. 3

DECLARATION, POWER OF ATTORNEY, AND PETITION

I, a below named inventor, depose and say that: (1) my residence, citizenship, and mailing address are indicated below; (2) I have reviewed and understand the contents of my patent application, including the claims, as amended by any amendment specifically referred to herein, which is identified as PCT International Patent Application Serial No. US00/04759 filed February 25, 2000, bearing Attorney Docket Number 54834WO003; (3) I believe that I am the original, first, and sole inventor or discoverer of the invention or discovery in

DECORATIVE FILMS FOR GLASS-PANED WINDOW

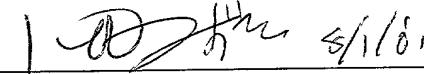
described and claimed therein and for which a patent is sought; and (4) I hereby acknowledge my duty to disclose to the Patent and Trademark Office all information known to me to be material to the patentability as defined in Title 37, Code of Federal Regulations, §1.56*, and that no application for patent or inventor's certificate on this invention or discovery has been filed by me or my legal representatives or assigns in any country foreign to the United States of America except Japan Application No. 63463/99 filed March 10, 1999 upon which I hereby claim foreign priority benefits under Title 35, United States Code Section 119.

I hereby appoint Gregory D. Allen (Reg. No. 35,048), Alan Ball (Reg. No. 42,286), Scott A. Bardell (Reg. No. 39,594), Carolyn A. Bates (Reg. No. 27,853), Bruce Black (Reg. No. 41,622), Colene E. H. Blank (Reg. No. 41,056), Jennie G. Boeder (Reg. No. 28,952), William J. Bond (Reg. No. 32,400), Arthur J. Brady (Reg. No. 42,356), Stephen W. Buckingham (Reg. No. 30,035), John A. Burtis (Reg. No. 39,924), Melissa E. Buss (Reg. No. 47,465), Gerald F. Chernivec (Reg. No. 26,537), James D. Christoff (Reg. No. 31,492), Philip Y. Dahl (Reg. No. 36,115), Janice L. Dowdall (Reg. No. 31,201), Lisa M. Fagan (Reg. No. 40,601), Carolyn A. Fischer (Reg. No. 39,091), Yen T. Florczak (Reg. No. 45,163), Darla P. Fonseca (Reg. No. 31,783), Melanie G. Gover (Reg. No. 41,793), Christopher D. Gram, (Reg. No. 43,643), Gary L. Griswold (Reg. No. 25,396), Doreen S. L. Gwin (Reg. No. 35,580), Michaela A. Hakamaki (Reg. No. 40,011), Karl G. Hanson (Reg. No. 32,900), Dean M. Harts (Reg. No. 47,634), Néstor F. Ho (Reg. No. 39,460), Rudolph P. Hofmann, Jr. (Reg. No. 38,187), Robert W. Hoke (Reg. No. 29,226), Mary Susan Howard (Reg. No. 38,729), Stephen C. Jensen (Reg. No. 35,207), Robert H. Jordan (Reg. No. 31,973), Harold C. Knecht III (Reg. No. 35,576), Kent S. Kokko (Reg. No. 33,931), Douglas B. Little (Reg. No. 28,439), Eloise J. Maki (Reg. No. 33,418), Matthew B. McNutt (Reg. No. 39,766), Michelle M. Michel (Reg. No. 33,968), William D. Miller (Reg. No. 37,988), Peter L. Olson (Reg. No. 35,308), Daniel R. Pastirik (Reg. No. 33,025), David B. Patchett (Reg. No. 39,326), Robert J. Pechman (Reg. No. 45,002), Carolyn V. Peters (Reg. No. 33,271), Scott R. Pribnow (Reg. No. 43,869), Ted K. Ringsred (Reg. No. 35,658), Steven E. Skolnick (Reg. No. 33,789), Robert W. Sprague (Reg. No. 30,497), Brian E. Szymanski (Reg. No. 39,523), James J. Trussell (Reg. No. 37,251), Lucy C. Weiss (Reg. No. 32,834), Bradford B. Wright (Reg. No. 34,459), and Kimberly S. Zillig (Reg. No. 46,346) my attorneys and/or agents with full powers (including the powers of appointment, substitution, and revocation) to prosecute this application and any division, continuation, continuation-in-part, reexamination, or reissue thereof, and to transact all business in the Patent and Trademark Office connected therewith; the mailing address and the telephone number of the above-mentioned attorneys and/or agents are

Attention: Harold C. Knecht III
Office of Intellectual Property Counsel
3M Innovative Properties Company
P.O. Box 33427
St. Paul, Minnesota 55133-3427
Telephone No. 651-575-1056

The undersigned petitioner declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Wherefore, I pray for grant of Letters Patent for the invention or discovery described and claimed in the aforementioned specification and I hereby subscribe my name to the foregoing specification and claims, declaration, power of attorney, and this petition, on the day set forth below.


Yoichiro Mizumoto Date
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Post Office P.O. Box 33427
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§1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) Each inventor named in the application;

(2) Each attorney or agent who prepares or prosecutes the application; and

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.